

ATTACHMENT 1
PROJECT DESCRIPTION
NuStar Selby Marine Oil Terminal Lease Renewal

1. PROJECT DESCRIPTION

NuStar Energy, L.P. (NuStar) proposes to continue operation of its marine oil terminal located on the Carquinez Strait, near Selby, Contra Costa County, California. This marine oil terminal occupies approximately 10.09 acres of sovereign tide and submerged public land leased from the California State Lands Commission (CSLC) (Figure 1, Project Vicinity Map). NuStar seeks CSLC approval for a new 30-year lease for the wharf portion of its facility. If the CSLC grants the lease, NuStar would continue current operations at the terminal until 2036. NuStar currently has no plans to expand its operations or the equipment on the wharf.

1.1 PROJECT LOCATION

The Nustar facility is located approximately one mile west of the Interstate 80 Carquinez Strait Bridge on the south shoreline of the Carquinez Strait in an unincorporated, heavy industrial area (formerly the small town of Selby) between the cities of Rodeo and Crockett, in Contra Costa County (Figure 2 Location Map). NuStar operates 24 hours per day, 365 days per year, and employs a terminal manager, eleven technicians and three office staff. As currently operated, the NuStar facility receives and distributes petroleum products by pipeline, marine vessels, railroad tank cars and trucks. In the year 2005, 112 marine vessels, 2,435 railroad tank cars and 12,270 trucks transferred product at the site. For the year 2005 Nustar reported a throughput of over 7.8 million barrels of oil and product

The NuStar-owned upland storage facility, called the “main terminal”, occupies nearly 50 acres just south of San Pablo Avenue and approximately 0.9 miles southwest of the wharf (Figure 3 Terminal Facility Layout). This property holds storage tanks, a truck loading rack, pumps and associated pipelines, a vapor collection and recovery system (VCRS) and office buildings. The main terminal connects the 8-inch and 12-inch diameter pipelines to the Kinder Morgan pipeline network, conveying gasoline and distillate products (diesel, JP-8, JP-5, and jet fuel) from vessel ships and storage.

The upland property between the main terminal and the wharf is owned by ConocoPhillips and Union Pacific Railroad, who allow the right-of-way for connecting pipelines and a railroad tank car loading/unloading area between the Nustar wharf and the main terminal.

The NuStar wharf extends generally west to east and parallel to the Carquinez Strait, covering a 10.09-acre footprint of sovereign land leased from the CSLC. The wharf was built in 1982 as a single vessel barge- and tanker-mooring facility for the transfer of crude oil and petroleum products, primarily gasoline, diesel and oxygenates.

FIGURE 1 PROJECT VICINITY MAP -- NUSTAR MARINE OIL TERMINAL

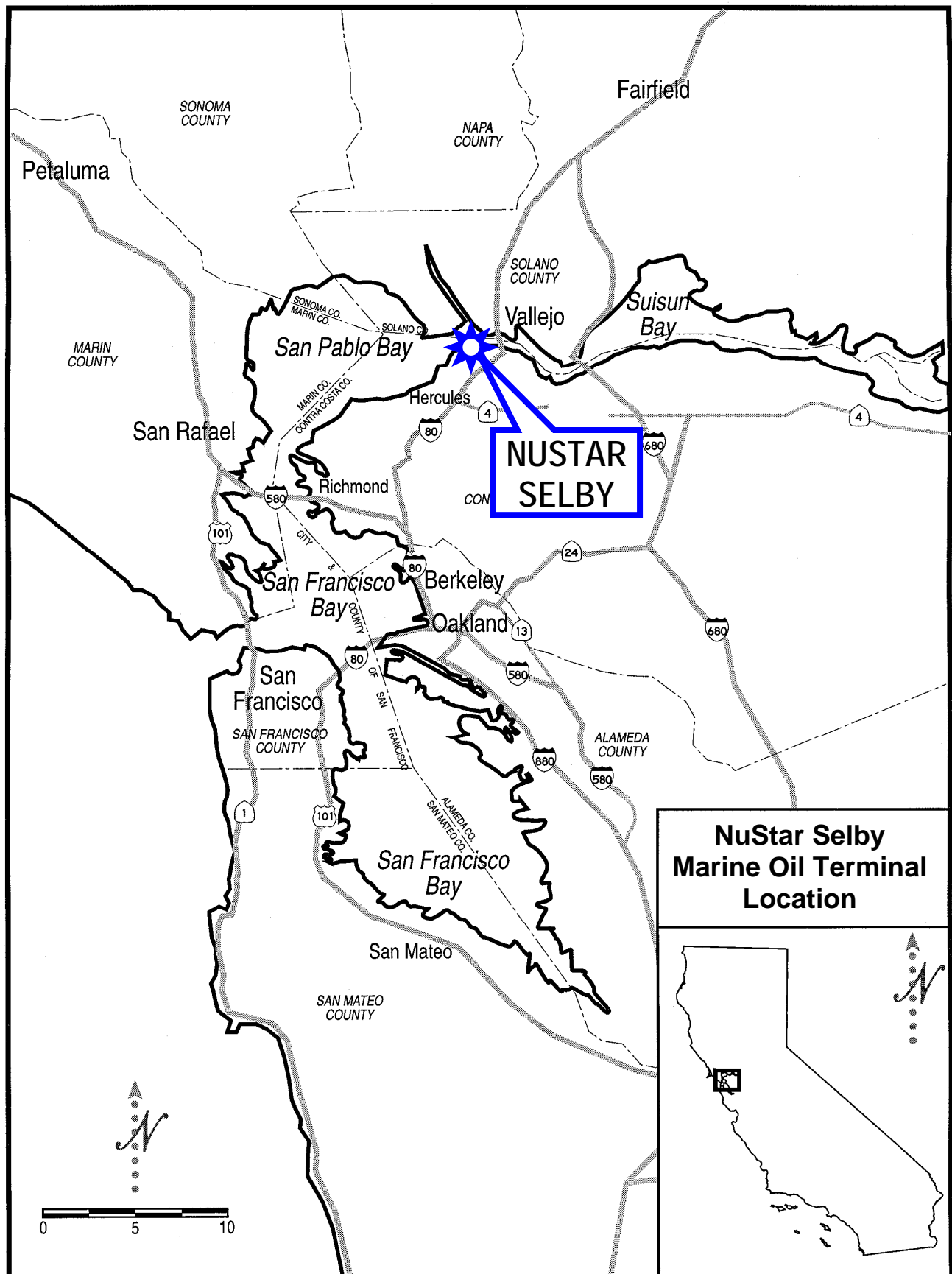
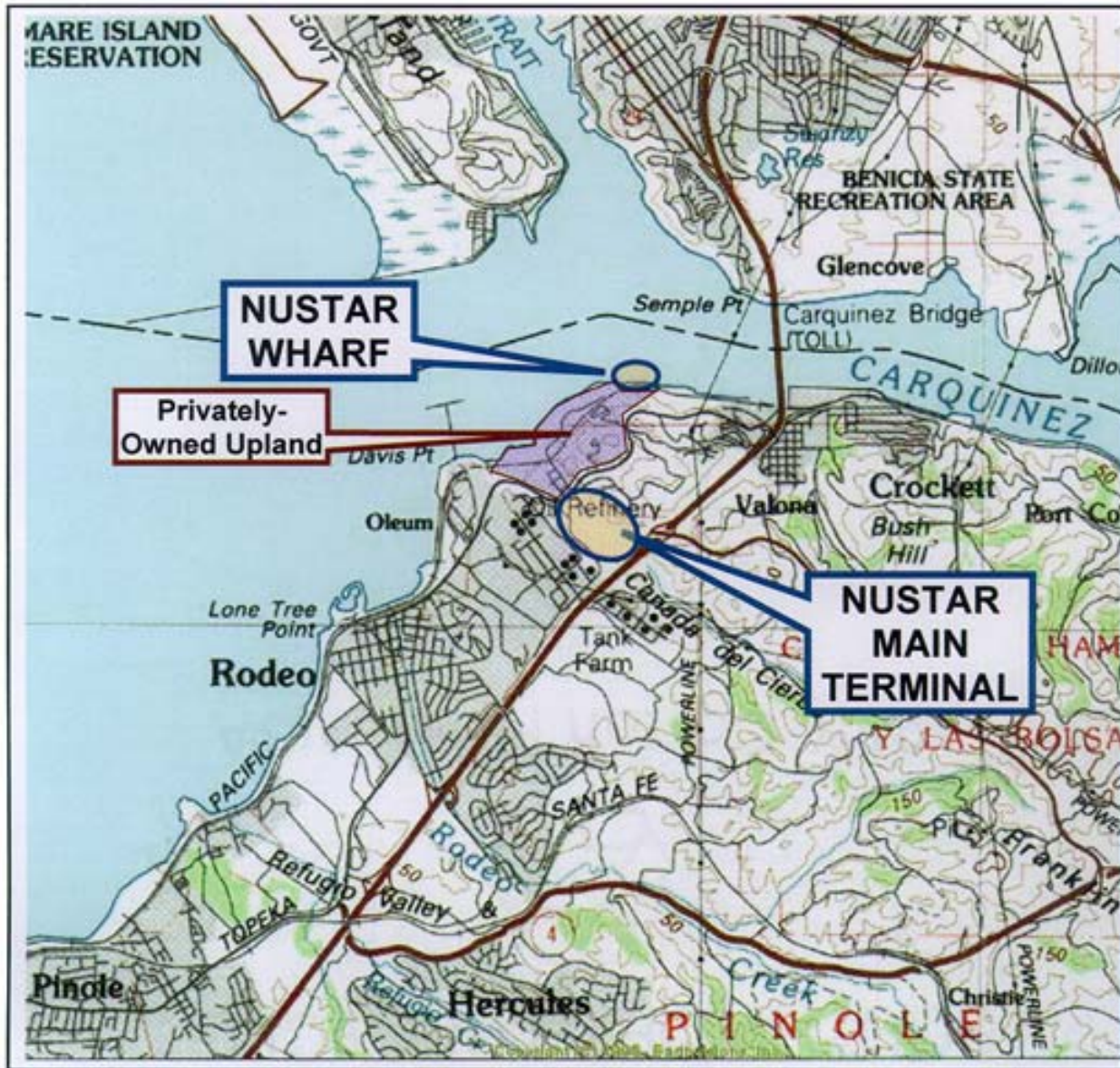


FIGURE 2 PROJECT LOCATION MAP



1.2 PROJECT OBJECTIVES

NuStar, an independent, privately-owned transshipper of petroleum products, would continue operation of the terminal, with the following objectives:

- Provide tank storage and product loading/unloading services for oil companies, distributors and brokers in the San Francisco Bay, Sacramento and Northern California Region. NuStar does not own these petroleum products, but provides, conveyance services, for a fee;
- Safely moor barge vessels and tank ships to transfer of petroleum crude or product to and from storage;
- Operate wharf facilities in a safe, efficient, environmentally sensitive, and cost-effective manner; and

- Remain a link in the logistic chain of associated refiners' inbound and outbound shipments on the west coast. NuStar leases storage tankage to various companies who use tank vessels and pipelines to deliver finished products. These commodities ship in and out of the facility by vessel, rail, truck, and pipeline. In addition, this wharf remains a primary site for the regional storage and delivery of jet fuels for the U.S. Government for military and Homeland Security use.

1.3 WHARF CAPACITY, CONFIGURATION AND OTHER COMPONENTS

1.3.1 Wharf Capacity

The wharf is a single-berth dock that can accommodate only one vessel at a time, with maximum vessel displacement of up to 100,000 dead weight tons (DTW), maximum length of 850 feet, and a maximum water depth at Mean Lower Low Water (MLLW) of 45 feet, with no beam restrictions. The wharf deck consists of a concrete 32-foot by 72-foot loading platform, supported by pre-stressed concrete piles. The wharf connects to land over a 260-foot elevated trestle paved with a 12-foot wide access road and sidled with a 15-foot wide pipe rack along the west side of the roadway. Because of high velocity current in this location, dredging has not been needed in over twenty years of wharf operation.

1.3.2 Wharf Configuration

The Wharf & Trestle Layout Drawing in Figure 3 shows that the total length of the wharf, between the outermost mooring dolphins, is approximately 1004 feet. A single breasting dolphin and two mooring dolphins on each side of the loading platform secure mooring vessels tightly to the wharf. The wharf and breasting dolphin fenders carry the lateral loads from vessel mooring impacts, transferring energy through the fender-absorbing system and preventing damage to the wharf structure. The corners of the wharf and the breasting dolphins use 100-ton bollards. Also, the mooring dolphins use double, 100-ton quick-release hooks with electric capstans and slide plates. The spill-containment booms are housed in large bins on each end of the breasting dolphins.

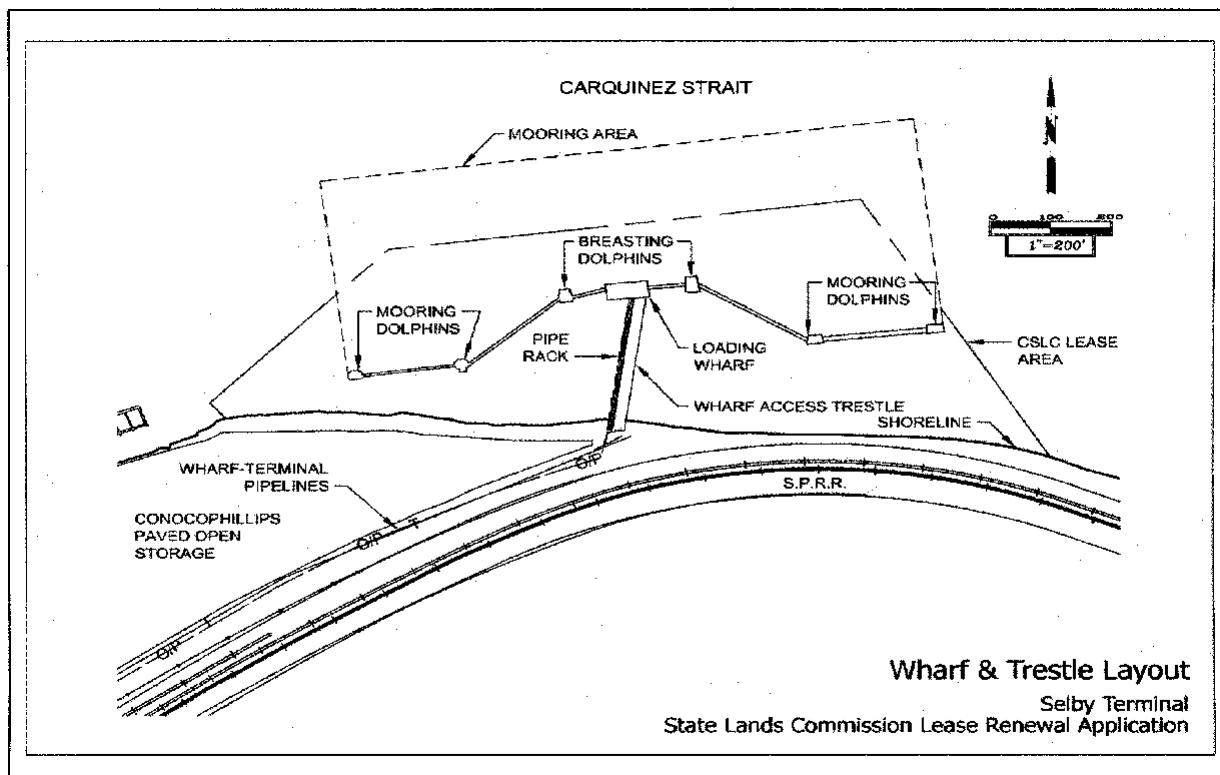
The wharf is equipped with pumps, pipelines, electrical utilities and other mechanical equipment for effectively transferring diverse cargo from vessels with varying configurations. The cargo pumps are located at the main terminal 0.9 mile from the wharf, and transfer all the vessel cargo loads.

1.3.3 Loading Arms, Hoses, and Pier Pipelines

On the wharf two hydraulically-operated 12-inch diameter loading/unloading arms provide "clean product" service (gasoline, diesel, etc.), with connections to upland tanks through two 12-inch diameter steel pipelines. The arms use individual 25 gallon-per-minute pumps to empty the piping before uncoupling from the ship. NuStar routinely tests both arms for integrity and function.

The pipelines are supported on a pipe rack that extends along the west side of the wharf access road and entirely over open water. The rack carries four 12-inch diameter

FIGURE 3 NUSTAR WHARF AND TRESTLE LAYOUT



clean product lines, a 12-inch diameter vapor recovery line, a 12-inch diameter fire main, a 2-inch diameter slop line and necessary water and electrical connections for the wharf. All pipelines and conduit proceeding from the shoreline through the upland area to the main terminal are underground.

1.3.4 Storm Water Management, Drip and Recovered Oil Collection

A 6-inch high curb surrounds the wharf deck and drains into a three-barrel capacity sump. The sump, normally empty, collects flush down water and/or storm water from rainfall, and also contains product in the event of a discharge. The sump pump automatically starts when water flows trigger an initial threshold level, then pumps liquid contents into a two-inch diameter steel slop line that discharges to a slop tank at the upland main terminal. The NuStar wharf technician visually inspects the sump daily.

1.3.5 Ballast Water Discharge Controls

The wharf has no facilities to collect or treat ballast water but is USCG certified as an oily waste reception facility. Oily ballast from vessels is pumped to the slop tank for eventual off-site disposal by tank truck. Vessels are required to meet the federal and state ballast water regulations, including the conditions presented below.

Vessels bound for NuStar wharf must comply with the California Ballast Water Management for Control of Nonindigenous Species Act of 1999 and California Public Resources Code sections 71203 to 71207 that specify ballast water management practices. Several ballast water management practices for ballast water carried into

waters of the State from areas outside the exclusive economic zone (EEZ) are allowed, and the Nustar wharf requires vessels to report their ballast management practiced during port approach within 24 hours after entry to the San Francisco Bay.

1.3.6 Vapor Collection and Recovery System

The wharf is equipped with a carbon adsorption / absorption vapor collection and recovery system (VCRS) to collect and process the vapors displaced during vessel loading operations. Recovered vapors and hydrocarbon emissions are piped to the Adsorption-Absorption High Efficiency Hydrocarbon VCRS unit at the main terminal. A 10-inch diameter vapor hose is used to collect the vapor from the ship's cargo compartments during product transfer. The hose is lifted into position with the ship's crane. The VCRS also recovers vapors from the storage tanks. The system, installed in 1982, complies with USCG regulations 33 CFR 154 for VCRS operations and with Bay Area Air Quality Management District (BAAQMD) Regulation 8, Rule 44 (Organic Compounds, Marine Vessel Loading Terminals) that limits hydrocarbon emissions to the atmosphere from marine vessels. The VCRS also meets CSLC's Structural Requirements for VCRSs at Marine Terminals (California Code of Regulations (CCR) Title 2, Division 3, Chapter 1, Article 5.4).

The wharf operator panel is located in the wharf control room, and provides monitoring and control of the VCRS. Other panel indicators include startup/shutdown, audible and visual alarms for high and low vapor pressures, seals, high-level wharf knockout pot alarms, and VCRS shutdown.

Pressure control valves keep the pressure in the ship's storage compartment within 80 percent of the ship's pressure and vacuum relief settings. An alarm automatically activates if the compartment pressure exceeds the allowable engineered parameters, the VCRS shuts down and loading is stopped.

1.3.7 Buildings, Personnel, and Communication Systems

The 8-foot by 12-foot wharf control room is located on the west side of the main wharf platform, and houses the indicator panels and support equipment.

NuStar, in accordance with its Wharf Operations Manual (Shore Terminals LLC, May 2000, updated August 2005) maintains a minimum of two staff on duty during marine transfer operations. Other personnel may enter the wharf for maintenance or to assist with operations. The Terminal Person-In-Charge (TPIC) supervises all ship docking and cargo transfer operations, and reports emergencies and oil spills. The other staff, the Terminal Technician, handles all other facility operations, including management of the upland tankage and piping systems involved with the marine cargo transfer. NuStar also requires every vessel to assign a crewman (designated as the Vessel Person-In-Charge, or VPIC) for vessel oversight while moored at the berth.

1.3.8 Security

NuStar is required to comply with Section 2430 of the CCR Title 2, Division 3, Chapter 1, Article 5.1 outlining a physical security program for marine terminals. Only authorized personnel are allowed access to the wharf.

Physical security is controlled by fencing along the facility perimeter. Only NuStar company vehicles and other pre-authorized vehicles are allowed entry, and pedestrians have no access to the wharf. Permanent fixtures at the wharf provide exterior lighting to enable operations during nighttime and times of reduced visibility.

1.3.10 Other Facilities Adjacent to the Wharf

There are no other improvements or facilities within 100 feet upstream or downstream of the wharf. Facilities on the opposite bank of the Carquinez Strait more than a mile from the NuStar wharf include the California Maritime Academy and the grain loading dock at the mouth of the Napa River that is no longer in operation.

1.3.11 Effects of Moving Vessels

On average, approximately half of the vessels calling at the wharf are barges, and half are tank ships. Vessels heading east in San Pablo Bay exit the Pinole Shoal Channel and head toward the center of the Carquinez Bridge. Vessels heading west proceed under the Carquinez Bridge and head for the Pinole Shoal Channel. The closest point of approach to the NuStar wharf is generally 400 yards. Eastbound vessels heading for the C&H Sugar Wharf at Crockett may pass closer to the wharf, but are slowing speed as they prepare to moor. Due to the depth and width of the navigable channel, passing vessel effects are not considered to be significant at the NuStar wharf.

1.3.12 OSPR Spill Plan and Financial Responsibility Certificate

Oil spill equipment located on the wharf includes 700-feet of boom located on each mooring dolphin, a spill response/boom deployment boat, and a drum skimmer and collection bladder.

NuStar revised the Oil Spill Response Plan in December of 2000, and updated the Manual in August 2005. NuStar participates in the emergency response drills scheduled regularly with Cal OSPR and the US Coast Guard.

1.3.13 Safety Controls

The design maximum operating pressure of the pipeline system and loading arms is 150 pounds per square inch (psi). Pressure gauges are installed at the wharf and dock pump manifold to monitor pipeline pressures. All receiving lines contain one-way check valves which prevent product backflow. Wharf piping is pressure relieved at the upland tank farm and governed by 150 psi pressure relief devices. The NuStar cargo pipelines span a known earthquake fault area near the wharf. NuStar uses Franklin fault block valves with the pipelines on either side of the known fault area.

1.3.15 Fire Detection and Suppression

The wharf is equipped with fire extinguishing equipment and a stationary water system, with hydrants throughout, which can be activated in the event of a fire. Two permanently mounted 500 gallon-per-minute fire monitors are on the wharf, fed by a pipeline from the fire water system at the main terminal. This fire extinguishing system is activated from a

red button in the wharf control room. One portable 150-pound wheeled extinguisher, two portable 20-pound dry chemical and two 15-pound CO₂ extinguishers are located on the wharf. No fire response vessels are located near the terminal.

1.3.16 Leak detection System

The facility does not have a leak detection system. NuStar staff routinely examines for leaks visually and by monitoring transfers for unexplained drops in pipeline pressure, and comparing volume shipped versus volume received during the transfer.

1.3.17 Pipeline Stability

The pipelines between the shoreline and the main terminal through the Conoco/Union Pacific-owned upland area are buried at least five feet and are not exposed to dredging or backfilling operations. The pipelines from the shoreline to the wharf are supported above the water on pipe racks, extending along the west side of the trestle. No pipelines are submerged or are otherwise subject to submarine forces.

1.3.18 Dredging

Dredging is not anticipated for the continued operation of the wharf: the water depth and strong current at this location effectively preclude sediment deposition. However, it is possible that future unusual runoff through the Carquinez Strait may make it necessary.

1.3.19 Water Quality Siting

The location of the NuStar wharf along this section of the Carquinez Strait encounters high current velocity that in effect continually flushes the site. As such, no water quality standards have been violated by wharf operation.

1.3.20 Sensitive Aquatic Resources

There are no wetlands, fish resources, submerged aquatic vegetation or critical habitat areas within or near the wharf operations area. The Biological Assessment that NuStar conducted February 2, 2006, found no new biological resources of significance.

1.3.21 Related or Dependent Projects

NuStar is not proposing, nor is aware of any other existing or proposed projects that may be related to, affected by or dependent on the continued operation of this facility.

1.4 PERMITS AND PERMITTING AGENCIES

In addition to action by the CSLC, as the CEQA lead agency, the proposed Project may require permits and approvals from reviewing authorities and regulatory agencies that may have oversight over aspects of the proposed project, including but not limited to:

- U.S. Army Corps of Engineers (Corps);
- United States Coast Guard -- Sector San Francisco;
- U.S. Environmental Protection Agency Region IX;
- U.S. Fish and Wildlife Service (USFWS);

- National Oceanic and Atmospheric Administration, National Marine Fisheries Service;
- San Francisco Bay Regional Water Quality Control Board (SFBRWQCB);
- San Francisco Bay Conservation and Development Commission;
- California Coastal Commission;
- California Dept. of Fish and Game Office of Spill Prevention and Response;
- California Environmental Protection Agency (CalEPA);
- California State Fire Marshall;
- California Public Utilities Commission;
- California Department of Transportation;
- Bay Area Air Quality Management District;
- California Department of Fish and Game;
- State Reclamation Board;
- Contra Costa County; and
- Cities of Rodeo and Crockett.

2. ALTERNATIVES

In accordance with Section 15126.6 of the CEQA Guidelines (California Governor's Office of Planning and Research 2001), an EIR must "describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project, but would avoid or substantially lessen any of the significant effects of the Project, and evaluate the comparative merits of the alternatives." The State CEQA Guidelines also require that a No Project Alternative be evaluated, and that under specific circumstances, an environmentally superior alternative be designated from among the remaining alternatives.

2.1 PRELIMINARY LISTING OF ALTERNATIVES TO BE ADDRESSED IN THE EIR

The development of this portion of the EIR will use an alternative screening analysis which will: evaluate a reasonable range of alternatives, provide the basis for selecting alternatives that are feasible, reduce significant impacts associated with the proposed Project, and provide a detailed explanation of why other alternatives were rejected from further analysis.

The alternatives analysis may identify, in addition to the No Project Alternative, one or more of the following for further development. However, these are not to be considered a final determination of feasible alternatives that would be analyzed in the EIR. Additional alternatives may be included depending on information received during the public scoping and as a result of the environmental analysis.

2.1.1. Terminal Operations Consolidation

The impacts under this alternative, construction of a large single terminal in a central area to consolidate and serve several or the majority of the Bay Area petroleum crude and product users will be evaluated.

2.1.2. Construct a New Pipeline Alternative

The impacts associated with transporting crude oil to the Nustar Terminal facilities via a newly constructed pipeline will be evaluated.

2.1.3. Use Existing Pipelines Alternative

The impacts associated with transporting crude oil to the Shell Refinery facilities through use of restored or existing pipelines will be evaluated.

2.1.4. No Project Alternative

Under this alternative, NuStar's lease would not be renewed and the existing wharf would be abandoned in place or removed. The methods by which the marine oil terminal would be removed or abandoned would be the subject of a separate application to the CSLC and subject to appropriate environmental review. Crude and finished petroleum product would be transported via existing onshore pipelines and through other Bay Area marine terminals.

3. SCOPE OF THE EIR

Pursuant to State CEQA Guidelines section 15060, the CSLC staff conducted a preliminary review of the proposed Project. Based on the potential for significant impacts resulting from the proposed Project, an EIR was deemed necessary. A preliminary listing of issues to be discussed in the EIR is provided below. The EIR will also consider alternatives to the project including the No Project Alternative, as required by the CEQA. Additional issues and/or alternatives may be identified at the public scoping meeting, and in written comments, as part of the EIR process. The CSLC invites comments and suggestions on the following significant impacts proposed for discussion in the EIR.

Four designations are used when examining the potential for impacts according to CEQA issue areas. These designations are:

Potentially Significant Impact (Class I): Any impact that could be significant, and for which no mitigation has been identified or implemented. If any potentially significant impacts are identified and cannot be mitigated, a Statement of Overriding Considerations is required should the proposed Project be approved.

Less-Than-Significant Impact with Mitigation Incorporated (Class II): Any impact that could be significant, but which requires mitigation to reduce the impact to a less-than-significant level. Impacts in this category are otherwise considered potentially significant impacts, but ones for which mitigation measures have been designed and would be enforced in order to reduce said impacts to below applicable significance thresholds.

Less-Than-Significant Impact (Class III): Any impact would not be considered significant under the CEQA relative to existing standards.

Beneficial Impact (Class IV): The Project would provide an improvement to an issue area in comparison to the baseline information.

The estimations of impact levels used for this Notice of Preparation are based solely on preliminary documents and do not preclude findings of significance that would be made during the preparation of the EIR, including findings that could change the significance of an impact and how it would need to be addressed within the EIR. The following provides potential environmental impacts from the proposed Project using preliminary significance criteria that may be modified for the EIR.

3.1 Potentially Significant Environmental Effects

The CSLC, acting as Lead Agency under the CEQA, has determined that: (1) there is a reasonable possibility of an oil spill occurring from the operation of the NuStar wharf loading facilities during the 30-year lease period; (2) such an oil spill could have a significant effect on the physical environment; and (3) other aspects of the project's operations could also have a significant effect on the environment. For these reasons, the CSLC has determined that an EIR should be prepared.

Also provided are draft, proposed "Significance Criteria" (based on previous analyses of marine terminals and offshore loading facilities for which the CSLC has been the Lead Agency) that could be applied to each impact area. We invite comments and suggestions on these criteria.

The following discusses currently identified issues that may have potentially significant effects.

3.1.1 Operational Safety / Risk of Accidents

Certain aspects of the existing environment and structural integrity of the NuStar wharf may impact operational safety, or may influence impacts from an accident associated with the operation of the offshore portion of the NuStar wharf, including the transportation of crude oil and petroleum products to and from the offshore facilities. Additionally, exchange of petroleum cargoes at a marine oil terminal presents an inherent risk of accidents that may involve fire, explosions and/or spills. The EIR will address the potential adverse consequences e.g., exposure to toxic and hazardous substances, fire, explosions or spills in conjunction with continued use of the facility. The analyses will include:

1. A review of past and present terminal, vessel and operational characteristics including: throughput quantities and mix; barge size, age and design; frequency of barge visits; terminal and barge personnel requirements; technological advances; terminal management practices; operational condition of the equipment on the barge; and oil spill response capabilities;
2. Projection of transportation requirements for crude oil and operational characteristics;
3. Evaluation of alternatives for meeting future oil transportation needs in the safest and least environmentally damaging manner;

4. Analysis of existing and proposed federal, state and local laws, regulations, plans and policies affecting marine terminal location and operations;
5. Determination of potential hazard/impact footprint of the Terminal;
6. Assessment and evaluation of the safety of terminal operations, both human and technological including condition of the chain and anchor systems, with particular consideration of the environment in which it operates; and
7. Assessment of the potential risk of terminal related accidents resulting in an oil spill or other damage to the environment and identification of feasible steps for eliminating or minimizing that risk.

Significance Criteria

A hazards and/or hazardous materials impact is considered significant if any of the following apply:

- If the existing facility does not conform to its oil spill contingency plans or other plans that are in effect; or if current or future operations may not be consistent with federal, state or local regulations. Conformance with regulations does not necessarily mean that there are not significant impacts;
- There is a potential for fires, explosions, releases of flammable or toxic materials, or other accidents from the NuStar Terminal or from barges that could cause injury or death to members of the public;
- Existing and proposed emergency response capabilities are not adequate to effectively mitigate spills and other accident conditions; or
- Continued operation of the project creates the need for one or more additional personnel to maintain the current level of fire protection and emergency response services.

Although the potential for oil or product spills will be discussed in this section, the potential impact of spills will also be analyzed in other, appropriate resource-related sections such as Biological Resources, Water Quality, Commercial and Sports Fisheries, Land Use and Recreation.

3.1.2 Water Quality

The EIR will analyze the potential of impacts to water quality and to water column chemistry, in the Carquinez Strait, during NuStar Terminal operations and from oil spills. The significance of impacts will be considered in the context of whether NuStar Terminal operations would likely result in pollutant levels above ambient water quality and sediment levels that would exceed water quality objectives of the San Francisco Bay Regional Water Quality Control Board or the State Water Resources Control Board.

The potential for accidental discharge into surface waters as crude oil flows between the refinery and the offshore terminal and is transported to and from the NuStar Terminal by marine vessels will be examined. Oil spills could result from geologic hazards,

mechanical failure, structural failure, or human error. Such spills could potentially result in water quality impacts to Carquinez Strait, Suisun Bay, San Francisco Bay, and the Pacific Ocean. Potential impacts to the marine environment include increased water column turbidity and the introduction of toxic contaminants into the water column. The EIR will analyze the potential for impacts from such accidents on water quality and marine organisms.

Significance Criteria

Impacts to marine water quality are considered significant if any of the following apply:

- The water quality objectives contained in the Water Quality Control Plan for the San Francisco Basin are exceeded;
- The water quality objectives in the California Ocean Plan are exceeded;
- The water quality criteria in the California Toxics Rule are exceeded;
- Project operations or discharges that change background levels of chemical and physical constituents or elevate turbidity producing long-term changes in the receiving environment of the site, area, or region, thereby impairing the beneficial uses of the receiving water occur; or
- Contaminant levels in the water column, sediment, or biota are increased to levels shown to have the potential to cause harm to marine organisms even if the levels do not exceed formal objectives in the Water Quality Control Plan.

3.1.3 Biological Resources

The area surrounding the wharf contains diverse and rich assemblages of resident marine flora and fauna. Issues associated with the lease for the NuStar Terminal that will be analyzed include:

1. Its potential adverse effects on the on- and offshore environments in the event of an accidental oil spill or subsequent clean up activities, as well as fisheries losses resulting from discharge, oil spills, vessel traffic or conflicts with vessels;
2. The potential for introduction of harmful, non-indigenous species into the surrounding marine environment via ballast water discharge or hull fouling; and
3. The potential for continued vessel traffic serving the terminal to, over time, cause deterioration of existing fish or wildlife habitats.

Significance Criteria

An impact on biological resources will be considered significant if any of the following apply:

- Any part of the population of a threatened, endangered, or candidate species is directly affected or if its habitat is lost or disturbed;
- A net loss occurs in the functional habitat value of: a sensitive biological habitat, including salt, freshwater, or brackish marsh; marine mammal haul-out or

breeding area; eelgrass; river mouth; coastal lagoons or estuaries; seabird rookery; or Area of Special Biological Significance;

- The movement or migration of fish or wildlife is impeded; or
- A substantial loss occurs in the population or habitat of any native fish, wildlife, or vegetation or if there is an overall loss of biological diversity. Substantial is defined as any change that could be detected over natural variability.

3.1.4 Commercial and Sports Fisheries

The marine resources in the Suisun Bay and San Francisco Bay support commercial, recreational and sports fisheries. Routine operations, spills, and other accidents would affect these activities. In addition, continued vessel traffic serving the NuStar Terminal has the potential, over time, to cause deterioration of existing fish or wildlife habitats, thereby affecting commercial, sports and recreational fishing. These issues will be analyzed in the Draft EIR.

Significance Criteria

An impact to commercial and sport fisheries would be considered significant if:

- Project activities temporarily reduce any fishery in the vicinity by 10 percent or more during a season, or reduce any fishery by five percent or more for more than one season;
- Project activities affect kelp and aquaculture harvest areas by five percent or more; or
- Harvesting time is lost due to harbor closures, impacts on living marine resources and habitat, and equipment or vessel loss, damage, or subsequent replacement.

3.1.5 Land Use and Recreation

Continued use of the NuStar Terminal may have effects on existing and planned land uses in the area, including existing and potential shoreline and water-related recreational use.

Significance Criteria

Land use/recreational impacts will be considered significant if the project would result in the following:

- Conflicts with existing or known future land uses, or adopted land use plans, policies, or ordinances;
- Result in conflicts with planning efforts to protect the recreational resources of the project area;
- Incompatible adjacent land uses as defined by planning documentation; or

- Residual impacts on sensitive shoreline lands, and/or water and non-water recreation due to a release of oil.

3.1.6 Air Quality

Air emissions from the NuStar Terminal are regulated by the Bay Area Air Quality Management District (BAAQMD). The environmental analysis of the proposed project will evaluate emissions estimates against applicable significance criteria and in accordance with the BAAQMD Guidelines and permits. The EIR will analyze:

1. The sources of emissions that would be associated with the project, including dredging operations, the types and amounts of different pollutants that could be emitted, and their duration of impact;
2. Increases in emissions from projected vessel traffic and best estimate of throughput;
3. Potential impacts and mitigation measures associated with odor and toxic air contaminant emissions; or
4. Potential for effects that would add to greenhouse gas emissions which in turn could affect the California Air Resources Board's ability to meet the mandates of AB 32 (California Global Warming Solutions Act).

Significance Criteria

The air quality impacts of the Proposed Project would be significant if:

- NuStar Terminal operations fail to comply with a condition of the BAAQMD Permit to Operate.
- Operations contribute to an exceedance of localized carbon monoxide emissions in excess of the California Ambient Air Quality Standard (CAAQS) i.e., 20 parts per million (ppm) for 1 hour or 9 ppm for 8 hours;
- Operations result in emissions which exceed the following emission thresholds:
 - Reactive Organic Gases (ROG), 15 tons/year, 80 lbs/day,
 - Nitrogen Oxides, 15 tons/year, 80 lbs/day, and
 - PM10 Particulates (suspended particulate matter 10 microns or less in diameter), 15 tons/year, 80 lbs/day;
- Allow uses that create objectionable odors that would be considered a nuisance under a BAAQMD rule or regulation.
- Expose sensitive receptors (including residential areas) or the general public to substantial levels of toxic air contaminants or objectionable odors; or
- Potentially result in the accidental release of acutely hazardous air emissions.
- Contribute to a cumulatively significant effect on the emission of greenhouse gasses and the CARB's ability to meet the mandates of AB 32.

3.1.7 Noise

Operation of the NuStar Terminal produces stationary sources of noise associated with normal loading operation of vessels and other routine terminal operations such as the use of various pumps and operation of the vapor recovery system.

Significance Criteria

A noise impact is considered to be significant if:

- The project noise level, timing or duration exceed a local noise ordinance, or any applicable noise regulation promulgated on the state or federal level, including:
- The Contra Costa County General Plan Noise Element maximum CNEL for Industrial land uses of 75 dBA;
- The City of Martinez noise ordinance standard for industrial area offsite noise limit of 70dBA; or
- The project would increase the ambient noise level above ordinance-specified limits by more than 5 dBA (substantial increase), or by 3 dBA in areas already exceeding ordinance-specified limits.

3.1.8. Vehicular and Rail Transportation

Currently, wharf-related traffic associated with NuStar is not expected to change within the next 30 years. However, the potential for impacts associated with routine operations and accident conditions during the transport of product for the proposed project and alternatives will be examined.

Significance Criteria

A transportation impact would be considered significant if any of the following apply:

- Project-related traffic or construction of the alternative must use an access road which is already at or exceeding Level of Service (LOS) E, or brings a roadway down to LOS E (E level traffic flow = 75% - 100% of capacity);
- Project-related traffic or other activities would result in a substantial safety hazard to motorists, bicyclists, or pedestrians;
- Project-related traffic or other activities would restrict one or more lanes of a primary or secondary arterial during peak-hour traffic, thereby reducing its capacity and creating congestion; or
- Project implementation results in insufficient parking.

3.1.9. Visual Resources/Light and Glare

The south shoreline is comprised primarily of industrial use properties. Visual receptors are limited, primarily to similar facilities nearby, including the Conoco refining plant one

mile west, and nighttime recreational boaters in San Pablo Bay that see the NuStar wharf from the water. The potential for impacts associated with routine operations and lighting during nighttime operations for the proposed Project and the alternatives will be examined.

Visual impacts would be considered adverse and significant if any of the following apply:

- Routine operations and maintenance over the lease period usually contrast with or degrade the character of the viewshed;
- Actions result in changes in expectations of viewers resulting in a negative impression of the viewshed; or
- Night lighting would result in glare conditions affecting nearby residences.

3.1.10. Cultural Resources

The CEQA Guidelines (Section 15064.5) defines “historical resources” as follows:

“Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in the light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource has integrity and meets the criteria for listing on the California Register of Historical Resources as follows:

1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.”

Significance Criteria

Thresholds of significance for cultural resource impacts for the project are defined as situations where construction or operation of the project could:

- Result in damage to, the disruption of, or otherwise adversely affect a property that is listed in the California Register of Historical Resources (CRHR) or a local register of historical resources as per Section 5020.1 of the Public Resources Code;

- Cause damage to, disrupt, or otherwise adversely affect an important prehistoric or historic archaeological resource such that its integrity could be compromised or its eligibility for future listing in the CRHR be diminished; or
- Cause damage to, disrupt, or diminish the significance of an important historical resource such that its integrity could be compromised or its eligibility for future listing in the CRHR be diminished.

3.1.11 Geological Resources

The NuStar Terminal is located in proximity to several active faults. The facility would be susceptible to damage as a result of an earthquake on these nearby faults. Extension of the life of the existing facility could result in oil spills due to seismically induced ground failure or other geologic hazards, such as corrosion or excessive coastal erosion. Remediation of such spills would, in turn, potentially cause water quality impacts to San Pablo Bay, Carquinez Strait and San Francisco Bay. These potential impacts will be analyzed in the EIR.

Significance Criteria

Seismic effects could result in significant hazards to structures when not properly accounted for in facility design or construction. Impacts are considered significant if any of the following conditions apply:

- Settlement of the soil that could substantially damage structural components of the wharf;
- Ground motion due to a seismic event that could induce liquefaction, settlement, or a tsunami that could damage structural components;
- Deterioration of structural components of the wharf due to corrosion, weathering, fatigue, or erosion that could reduce structural stability;
- Increase in loading conditions, vessel size, or number of vessels that could overstress the existing facilities and reduce the structural stability of the wharf; or
- Damage to petroleum pipelines and/or valves along the pipeways from any of the above conditions that could release crude oil into the environment.

3.1.12 Environmental Justice

The CSLC developed and adopted an Environmental Justice Policy to ensure equity and fairness in its own processes and procedures. This policy stresses equitable treatment of all members of the public and commits to consider environmental justice in its processes, decision-making, and regulatory affairs which is implemented, in part, through identification of, and communication with, relevant populations that could be adversely and disproportionately impacted by CSLC projects or programs, and by ensuring that a range of reasonable alternatives is identified that would minimize or eliminate environmental impacts affecting such populations.

This section of the EIR will analyze the distributional patterns of high-minority and low-income populations on a regional basis. The analysis will focus on whether the proposed Project's impacts will have the potential to affect area(s) of high-minority population(s) and low-income communities disproportionately, thereby creating an adverse environmental justice impact.

Significance Criteria

An environmental justice impact would be considered significant if the proposed Project would:

- Have a potential to disproportionately impact minority and/or low-income populations at levels exceeding the corresponding medians for Contra Costa County, where the project is located; and/or
- Result in a substantial disproportionate decrease in the employment and economic base of minority and/or low-income populations residing in Contra Costa County and/or immediately surrounding cities.

3.2 SPECIAL IMPACT AREAS

3.2.1 Cumulative Impacts

The CEQA requires an examination of the potential for a Project to have cumulative impacts when considered in conjunction with other Projects proposed and/or approved within a region. The Cumulative Projects Study Area for this Project is presently defined as proposed and approved projects in Contra Costa County. The EIR will discuss the cumulative impacts of the proposed Project, in conjunction with other marine terminals operating in the area, and foreseeable projects in the general vicinity.

3.2.2 Growth-Inducing Impacts

The CEQA requires a discussion of the ways in which a proposed Project could be an inducement to growth. The State CEQA Guidelines (section 15126.2(d)) identify a project to be growth-inducing if it fosters or removes obstacles to economic or population growth, provides new employment, extends access or services, taxes existing services, or causes development elsewhere. The EIR will contain a discussion of potential growth-inducing impacts of the proposed Project.